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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,597	03/21/2005	Olivier Trincherio	PF020121	8256
24498	7590	03/04/2008		
Joseph J. Laks			EXAMINER	
Thomson Licensing LLC			JIANG, YONG HANG	
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PO Box 5312			ART UNIT	
PRINCETON, NJ 08543			2612	
			MAIL DATE	
			03/04/2008	
			DELIVERY MODE	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,597

Applicant(s)

TRINCHERO ET AL.

Examiner

Yong Hang Jiang

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 12/6/2007 has been entered. Claims 1-2, 4-8, 10-14, and 16-18 are amended. Claims 1-18 are still pending.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Applicants are here reminded again; the specification must be in the proper form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the means of display" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "said means" on line 4; it is unclear what the applicant is referring to.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 5-9, 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by the disclosure in the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL (1990 Tandy Corporation).

Regarding claim 1, the manual discloses a method of control of at least one electronic appliance {via using Realistic 8-in-1 Universal Remote Control (URC) to remotely control up to eight audio/video components, See page 2} with the aid of a

remote device (Realistic Programmable Eight in One URC) comprising means of control (via the Command Keys with learnt commands on the URC, See pages 4, 10-11) and a means of selection (via the SELECT Keys to select the device to be control and the SEQUENCE key followed by selection of a particular key assigned to activate a sequence of commands programmed, see page 4, 11-13 and 15) of an appliance from a plurality of appliances, wherein the method comprises the steps:

programming at least one association (via programming a command sequence to turn on the cable box, select a cable channel, and turning on the VCR, See pages 12 and 13) between a means of control (via the Command key with learnt command to select the cable channel, page 12) and at least one appliance of said plurality of appliances (via the cable box and VCR),

activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming (via pressing the SELECT keys to select the desired device and using the learned commands on the selected device, page 11),

activating the device in a second mode wherein several appliances are controlled (via activating the sequence programmed to turn on the cable box, select a cable channel, and turning on the VCR, See pages 12 and 13) by the means of selection (SEQUENCE key followed by selection of the particular key, page 15) according to the associations performed during the programming step, said activating in the second mode being triggered by the means of selection (the SEQUENCE key followed by the selection of the particular key, page 15).

Regarding claim 2, the manual discloses a step of commanding associations during the programming step prohibiting the programming of prohibited associations (via the programmed command sequence containing only associations selected by the user) (see pages 12 and 13)

Regarding claim 5, the manual inherently discloses the programming step comprises selecting an appliance (in order to include the command for turning on the cable box in the sequence of commands, the cable box must be selected using the SELECT key to activate the command for turning on the cable box), selecting several means of control (via commands associated with the cable box selected by the user as desired, up to 48 commands) the means of control being associated with the selected appliance. (See pages 12 and 13)

Regarding claim 6, the manual discloses the programming step comprises selecting a means of control (via selecting a particular key to be designated to activate a programmed sequence) and selecting several appliances (via selecting the cable box and VCR in the programmed sequence), the selected appliances being associated with the means of control (when the particular key designated to activate the sequence is actuated, the cable box and VCR is turned on). (See pages 12 and 13)

Regarding claim 7, the manual discloses the programming step makes it possible to define at least one set of associations (via the programmed sequence), and wherein the method comprises a step of selecting a set of associations making it possible to activate the set when the device is in the second mode (via activating the programmed sequence to turn on the cable box, select a cable channel, and turning on the VCR by

the particular key designated to activate the sequence is actuated after the SEQUENCE key is pressed, See pages 12 and 13).

Regarding claim 8, the manual discloses a device {via Realistic 8-in-1 Universal Remote Control (URC) remotely controls up to eight audio/video components, See page 2} for remote control of a plurality of electronic appliances, comprising means of control (via Command keys with learnt commands in the URC, See pages 10-11) and a means of selection of an appliance from among a plurality of electronic appliances (via the SELECT Keys to select the device to be controlled, see pages 4 and 11), each means of control being associated with a code predefined in the device (via code in the commands learnt by the URC), wherein said device comprises:

a means of programming associations (via programming a command sequence to turn on the cable box, select a cable channel, and turning on the VCR using a particular key assigned to activate the command sequence, See pages 12 and 13) between at least one means of control (via the Command keys with learnt commands to select the cable channel and turning on the VCR, page 12) and at least one appliance amongst the plurality of appliances (the cable box and VCR),

a means of activation of the device in a first mode (via the SELECT keys, see page 11) wherein the appliance selected by the means of selection (the SELECT keys) is controlled by the means of control according to associations that are not programmed during the programming (via pressing the SELECT keys to select the desired device to use the learned commands, page 11),

a means of activation of the device in a second mode wherein the programmed associations are activated and wherein several appliances are controlled by the means of control (via pressing the SEQUENCE key followed by pressing the particular key assigned to activate the programmed sequence, see pages 12-13 and 15) according to the associations performed by the programming means.

Regarding claim 9, the manual discloses the means of programming comprises a means of commanding the associations prohibiting the programming of prohibited associations (via the programmed command sequence containing only associations selected by the user). (See pages 12-13)

Regarding claim 13, the manual discloses the means of programming selects at least one appliance from the plurality of appliances (via selecting the cable box and VCR for the programmed sequence) and then specifies keys of the control means that are associated with the selected appliance (via specifying the Command keys for the selected device in the programmed sequence). (See pages 12-13)

Regarding claim 14, the manual discloses the programming means selects a key of the means of control to be programmed (via the particular key designated to activate the programmed sequence) and then selects appliances (the cable box and VCR) to be associated with the selected key (the cable box and VCR selected in the programmed sequence). (See pages 12-13)

Regarding claim 15, the manual discloses a touch screen (via the display) displaying the permitted associations (See page 4 and Step 4 for Editing a Command Sequence on page 16).

Regarding claim 16, the manual discloses the control device comprises a means of selection of at least one set of associations (via selecting the devices to be activated and controlled in a programmed sequence), the programming means being adapted to program the set of associations selected by said means of selection (via programming the programmed sequence), and in that the means of activation activates only the associations of the selected set (via selecting any of the particular keys to activate the selected programmed sequences by a user). (See pages 12 and 13)

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosure in the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL (1990 Tandy Corporation) and further in view of Stacy et al. (US 6,127,961).

Regarding claim 4, the manual discloses the structural elements of the claimed invention but fails to disclose a step of displaying a visual identifier of an appliance, the visual identifier of an appliance being displayed when the device is in the second mode and when a user activates a means of control associated with the appliance.

Stacy et al. disclose a method of using a programmable remote control having a step of displaying a visual identifier of an appliance (via plurality of LEDs 24, 26, 28, 30 and 32) being controlled, said step being triggered by a mode switch (14). (See Col. 2 line 9-30)

From the teachings of Stacy et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure in the User's Manual to include a step of displaying a visual identifier of an appliance, the visual identifier of an appliance being displayed when the device is in the second mode and when a user activates a means of control associated with the appliance as taught by Stacy to tell which appliance is being controlled.

Regarding claims 11 and 12, the manual discloses the structural elements of the claimed invention but fail to disclose a means of display of an identifier of the appliance, said means being activated when a means of control associated with the appliance is activated and the means of display is integrated into the means of selection of an appliance.

Stacy et al. disclose a method of using a programmable remote control having a step of displaying a visual identifier of an appliance (via plurality of LEDs 24, 26, 28, 30

and 32) being controlled, said step being triggered by a mode switch (14). (See Col. 2 line 9-30)

From the teachings of Stacey et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure in the User's Manual to include a means of display of an identifier of the appliance, said means being activated when a means of control associated with the appliance is activated as taught by Stacey et al. to tell which appliance is being controlled and the means of display is integrated into the means of selection of an appliance for easy identification.

9. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosure in the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL (1990 Tandy Corporation) as applied to claims 1-2 and 8-9 above, and further in view of Nakajima (US 5,949,151).

Regarding claims 3 and 10, the manual discloses generating an error signal when activating a sequence if a command key pressed to activate the sequence was not taught a command sequence (See page 15), but fails to disclose an attempt to program a prohibited association triggers the transmission of an alert signal with visual or audible indication.

Nakajima teaches generating alarms when an unauthorized operation is detected. (See Col. 4, line 63 to Col. 5, line 4)

From the teachings of Nakajima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure in the User's

manual to include an attempt to program a prohibited association triggers the transmission of an alert signal with visual or audible indication as taught by Nakajima to alert the user the operation is unauthorized.

10. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosure in the owner's manual for the 8-IN-1 UNIVERSAL REMOTE CONTROL (1990 Tandy Corporation) as applied to claim 8 above, and further in view of Guyer (US 6,130,624).

Regarding claim 17, the manual discloses the structural elements of the claimed invention but fails to disclose the means of selection of an appliance comprises a switch including as many positions as appliances to be commanded plus a position activating the programmed associations.

Guyer teaches a remote control device having buttons and a mode switch. The mode switch has multiple positions each position having a separate function. (See the Abstract and Col. 6, lines 29-39)

From the teachings of Guyer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure in the User's manual to include the means of selection of an appliance comprises a switch including as many positions as appliances to be commanded plus a position activating the programmed associations as taught by Guyer to utilize the multi-position switch for easy activation of various functions.

Regarding claim 18, the manual discloses the structural elements of the claimed invention but fails to disclose the means of selection of a set of associations comprises

a switch including as many positions as sets, the means of selecting sets being activated when the means of selection of an appliance is in the position activating the associations.

Guyer teaches a remote control device having buttons and a mode switch. The mode switch has multiple positions each position having a separate function. (See the Abstract and Col. 6, lines 29-39)

From the teachings of Guyer, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disclosure in the User's manual to include the means of selection of a set of associations comprises a switch including as many positions as sets, the means of selecting sets being activated when the means of selection of an appliance is in the position activating the associations as taught by Guyer to utilize multi-position switches for easy activation of various sets programmed.

Response to Arguments

11. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONG HANG JIANG whose telephone number is (571)270-3024. The examiner can normally be reached on M-F 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. J./
Examiner, Art Unit 2612

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612